

Results

Claims 1, 3, 4 and 9 have been amended. New claims 10 and 11 have been added. Claims 2 and 5-8 have been cancelled without prejudice or disclaimer of the encompassed subject matter and with the understanding that Applicants may pursue the cancelled subject matter in a future divisional and/or continuation application.

The amendments to claim 1 limit R¹ to CHF₂ and n to zero. In addition, the phrase “or a pharmaceutically acceptable salt thereof” has been deleted and the recited diluent or carrier has been limited to a specific group of elements. Further, claim 1 has been amended to indicate that the formulation is a pharmaceutical tablet formulation suitable for oral immediate release. Support for these amendments may be found in Applicants’ specification at, *inter alia*, paragraphs [0025], [0026], [0041], [0042] and [0043] of the published application.

The amendment to claim 3 limits the recitation of species to 3 active ingredients.

The amendment to claim 4 limits the recitation of species to 1 active ingredient and also removes the requirement that the active ingredient is a crystalline salt. Accordingly, Applicants respectfully request that claim 4 be rejoined to claims 1 and 3 and new claims 10 and 11, since the rationale for restricting claim 4 (a crystalline form) has been removed.

New claims 10 and 11 find support in paragraph [0041] of Applicants’ published application.

Applicants submit that no prohibited new matter has been added by the amendments or new claims.

1. Technically Related Applications

Applicants would like to bring to the Examiner’s attention the following updated table of applications with the same assignee that may be considered to be technically related. The current status of each application as reported in the PAIR database is given in the right-hand column.

It is assumed that the Examiner has ready electronic access to each of the listed US applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

Inventor	U.S. Serial No. Filing Date	U.S. Patent No. Issue Date	Status
Inghardt	10/432,411 May 21, 2003	7,129,233 October 31, 2006	granted
Inghardt et al.	11/797,656 May 4, 2007		issue fee paid
Inghardt et al.	11/520,052 September 13, 2006		abandoned
Khoo et al.	10/481,232 July 23, 2004		notice of allowance mailed
Ahlqvist	10/516,422 May 20, 2005	7,273,858 September 25, 2007	granted
Inghardt et al.	11/839,842 August 16, 2007		non-final office action mailed
Magnusson et al.	10/516,420 November 29, 2004	7,202,236 April 10, 2007	granted
Magnusson et al.	11/716,021 March 9, 2007		non-final office action mailed
Inghardt et al.	11/520,063 September 13, 2006		final office action mailed
Inghardt et al.	10/487,805 February 26, 2004	7,056,907 June 6, 2006	granted
Blixt et al.	10/579,854 July 21, 2008		unexamined
Firas Al-Saffar et al.	11/816,998 August 25, 2008		unexamined
Bosson et al.	11/913,224 July 28, 2008		unexamined
Ymen et al.	11/950,568 December 5, 2007		non-final office action mailed
Abrahamsson et al.	12/200,549 August 28, 2008		unexamined
Inghardt et al.	12/491,456 June 25, 2009		unexamined

2. Rejection under 35 U.S.C. 102(e)

Claims 1-3, 5 and 8 are rejected as anticipated by WO 2002044145 to Inghardt *et al.* (“Inghardt”) for the reasons indicated on pages 3-4 of the Office Action.

Applicants submit that this rejection is effectively mooted in regards to claims 2, 5 and 8, which have been cancelled without prejudice or disclaimer of the encompassed subject matter. Claim 1 has been amended to limit the variable “n” to 0. Accordingly, no fluorine atoms can be present as substituents on the phenyl ring containing the amidine functionality. As such, the difluorophenyl compound depicted on page 3 of the Office Action is not included within the scope of claim 1 as amended. This also applies to claim 3, which incorporates all of the features of claim 1 from which it depends. Therefore, Applicants respectfully submit that this rejection has been effectively mooted.

3. Rejection under 35 U.S.C. 103(a)

Claims 1-3, 5 and 8 are rejected as allegedly obvious over Inghardt in view of US Patents 6,875,446 and 6,521,253 to Forsman *et al.* (“Forsman”) for the reasons indicated on pages 4 to 6 of the Office Action.

Applicants submit that this rejection is effectively mooted in regards to claims 2, 5 and 8, which have been cancelled without prejudice or disclaimer of the encompassed subject matter. Applicants submit that as amended, claim 1 is unobvious over Inghardt. This also applies to claim 3, which incorporates all of the features of claim 1 from which it depends. Therefore, Applicants respectfully request that this rejection be withdrawn.

4. Obviousness-Type Double Patenting

Claims 1-5 and 8 are rejected as allegedly unpatentable over claims 1 and 2 of US Patent 7,056,907 and claims 1-3 of US Patent 7,129,233.

Without acquiescing to the merits of the Examiner’s rejection, and to expedite prosecution of the present application, Applicants have filed herewith a terminal disclaimer over each of US Patent 7,056,907 and US Patent 7,129,233 and note for the record that under MPEP 804.02, the filing of a terminal disclaimer is not intended to be an admission that Applicants’ claimed subject matter is not patentably distinct over the claimed subject matter in each of US Patent 7,056,907 and US Patent 7,129,233.

5. Conclusion

The foregoing amendments, remarks and terminal disclaimers are submitted to place the application in condition for allowance. Applicants therefore respectfully request reconsideration and timely allowance of the pending claims. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **December 11, 2009**
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